

*Germany (Saxony)*¹

ABOLITION OF DROIT D'AUBAÎNE AND TAXES ON EMIGRATION

Convention signed at Berlin May 14, 1845

*Senate advice and consent to ratification, with an amendment, April 15,
1846*¹

*Ratified by the President of the United States, with an amendment,
April 22, 1846*¹

Ratified by Saxony July 14, 1846

Ratifications exchanged at Berlin August 12, 1846

Entered into force August 12, 1846

Proclaimed by the President of the United States September 9, 1846

Obsolete

9 Stat. 830; Treaty Series 317²

The United States of America on the one part and His Majesty the King of Saxony on the other part being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiations for this purpose.

For the attainment of this desirable object the President of the United States of America has conferred full powers on Henry Wheaton their Envoy extraordinary and Minister plenipotentiary at the Court of His Majesty the King of Prussia, and His Majesty the King of Saxony upon John de Minckwitz His Minister of State, Lieutenant General, Envoy extraordinary and Minister plenipotentiary at the said Court, who, after having exchanged their

¹ The U.S. amendment called for deletion in art. 7 of the word "twelve" and insertion of the word "eighteen".

The text printed here is the amended text as proclaimed by the President.

² For a detailed study of this convention, see 4 Miller 751.

said full powers, found in due and proper form, have agreed to the following articles:

ART: 1

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on Emigration, is hereby and shall remain abolished, between the two contracting Parties, their states, citizens and subjects respectively.

ART: 2

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage,—or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person, which term may be reasonably prolonged according to circumstances,—to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction on the part of the Governments of the respective states.

ART: 3

The citizens or subjects of Each of the contracting Parties shall have power to dispose of their personal property within the states of the other, by testament, donation or otherwise, and their heirs, being citizens or subjects of the other contracting Party, shall succeed to their said personal property, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases.

ART: 4

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property, as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article 2 may take measures to receive or dispose of the inheritance.

ART: 5

If any disputes should arise between the different claimants to the same inheritance, they shall be decided, according to the laws and by the judges of the country where the property is situated.

ART: 6

All the stipulations of the present convention shall be obligatory in respect to property, already inherited, devised, or bequeathed, but not yet withdrawn

from the country where the same is situated, at the signature of this convention.

ART: 7

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Saxony and the ratifications shall be exchanged at Berlin within the term of eighteen months, from the date of the signature or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed the above Articles, both in German and English, and have thereto affixed their seals.

Done in triplicate in the city of Berlin on the 14th of May, in the year of our Lord one thousand eight hundred and forty five and the sixty ninth of the Independence of the United States of America.

HENRY WHEATON [SEAL]

MINCKWITZ [SEAL]